ORDER ADOPTING REPORT AND RECOMMENDATION - 1

• The case IS DISMISSED WITHOUT PREJUDICE.

The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Theresa L. Fricke, all counsel of record, and to any party appearing *pro se* at said party's last known address.

Dated this 12th day of February, 2018.

ROBERT J. BRYAN

United States District Judge